THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

Writ Petition No.19503 of 1998

Dated 28-03-2007

Between:

Guda Thippanna and others

…Petitioners

And

District Collector, Anantapur and others

…Respondents

THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

Writ Petition No.19503 of 1998

ORDER:

The petitioners were granted DKT pattas in respect of different extents of land, ranging from Ac.0.58 cents to Ac.2.50 cents in

Sy.No.274 of Puttaparthi Revenue Village, in the year 1969. The land was required for establishing a 132 K.V Sub-Station, by the then A.P. Electricity Board. The Mandal Revenue Officer, Puttaparthi,

the 3rd respondent, issued notice to the petitioners, directing them to explain as to why the said land shall not be resumed to the Government for public purpose. On a consideration of the explanation submitted by the petitioners, the 3rd respondent resumed the lands and handed over the possession thereof, to the

4th respondent. A Sub-Station was erected therein.

The 3rd respondent required the 4th respondent to deposit the tentative compensation, payable to the petitioners, as provided for under G.O.Ms.No.1307, dated 23-12-1993. A sum of Rs.80,000/- per acre, as compensation, and Rs.19,000/- towards developmental charges; aggregating to Rs.4,95,000/- was deposited by the

4th respondent, on 23-03-1993. Since the compensation was not disbursed to the petitioners, even after deposit made by the

4th respondent, they filed W.P.No.28904 of 1995, before this Court. The writ petition was disposed of, directing the respondents therein to pay the amounts, in terms of G.O.Ms.No.1307, dated 23-12-1993, and complete the formalities within four weeks.

The 1st respondent required the 2nd respondent to cause inspection of the site and determine the amount of compensation payable to the petitioners. The 2nd respondent submitted a report dated 20-12-1997, recommending that the petitioners be paid marked value at the rate of Rs.40,000/- per acre, with 30% solatium. He also recommended payment of interest as per the provisions of the Land Acquisition Act. The petitioners received the amount, paid to them, under protest, and put a grievance, as to inadequacy of compensation.

On behalf of the respondents 1 to 3, a counter affidavit is filed, opposing the claim of the petitioners. It is stated that the 2nd respondent has undertaken extensive verification of the records as well as the site, and no interference is warranted with the recommendations made by him.

Heard the learned counsel for the petitioners and learned Government Pleader for Assignments.

Respondents 1 to 3 have recognized their obligation to pay compensation, even to assigned lands, as provided for under G.O.Ms.No.1307, dated 23-12-1993. It was for this reason, that they have insisted upon the 4th respondent to deposit the tentative compensation for the land resumed from the petitioners. When there was inaction, in the matter of payment of compensation, the petitioners approached this Court and obtained necessary directions therein.

The 2nd respondent was entrusted with the work of ascertaining compensation, payable to the petitioners. Apart from directing that the assignees, whose land is resumed to Government; be paid *ex-gratia,* equivalent to the market value. G.O.Ms.No.1307, dated 23-12-1993, directs that solatium must also be paid. For all practical purposes, the *ex-gratia* must represent the market value of the resumed land.

From a perusal of the record submitted by the 2nd respondent, it is evident that the market rates of comparable lands, in the locality ranged from Rs.1,00,000/- to Rs.1,23,000/- per acre. The value recorded in the basic value register was, Rs.20,000/- per acre. It hardly needs any emphasis, that the same does not represent the market value. After making a mention about the prevailing market

value in the vicinity of the resumed land, the 2nd respondent did not furnish any cogent reasons, as to why the *ex-gratia* must be slashed down to Rs.40,000/- per acre. The 3rd respondent himself was of the view, that the market value of the lands is, Rs.80,000/- per acre. It is, but natural, that he has taken the comparable sales into account, before he required the

4th respondent to deposit the amount. Strong and cogent reasons are needed, to alter, or reduce the tentative market value suggested by the 3rd respondent. The report itself discloses that the land was assuming importance of residential plots. So much so,

that a super-specialty hospital was constructed, at the relevant point of time. Therefore, it is evident that there is no basis for the

2nd respondent to suggest the market value of the land at Rs.40,000/- per acre. This Court is of the view that the amount recovered from the 4th respondent, towards compensation and developmental charges can be passed on to the petitioners.

In fact, they have suffered huge loss, on account of the loss of interest, for all these years.

Hence, the writ petition is partly allowed, directing that the respondents 1 to 3 shall pay the balance, out of Rs.4,95,000/-, deposited by the 4th respondent; to the petitioners, within four weeks from today, without any interest. There shall be no order as to costs.

L. NARASIMHA REDDY, J.

Dt.28-03-2007.

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